



Atty Docket No: 28331.010200

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4-19-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Clement W. BOWMAN

Group Art Unit: 2166

RECEIVED

APR 16 2002

Serial No.: 09/240,053

Examiner: Kalinowski

Technology Center 2100

Filed: January 29, 1999

For: **COMPUTERIZED PROCESS FOR MEASURING THE VALUE OR
PERFORMANCE OF AN ORGANIZATION OR INTANGIBLE ASSET**

REPLY TO REQUIREMENT FOR INFORMATION

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS
MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231,
ON April 4, 2002
BY Landra Ferrey

SIR:

The Applicant and Assignee of the referenced Application submit the following response to the Requirement for Information Under 37 C.F.R. 1.105 mailed December 18, 2001:

RESPONSE

The Examiner notes two recent publications which are not prior art but which indicate that (a) a methodology called "ProGrid" was developed by the present inventor in 1993 and (b) the initial stage in the development of the "ProGrid approach" was described at the 1993 Canadian Chemical Engineering Conference. The Examiner requires further information and documentation concerning what was disclosed at the 1993 Canadian Chemical Engineering conference, along with known publications, brochures and press releases that describe ProGrid products.

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The Applicant and the Assignee thank the Examiner for his diligent attention to this case and provide herein a complete response to the requirement for information. However, for the reasons set forth below, to the Applicant's and the Assignee's knowledge there is not a single instance of prior art which is material to patentability that has not already been disclosed to the Examiner.

First and foremost, Applicant points out that "ProGrid" is a name that Applicant has used to identify a series of methodologies that have been developed by Applicant over the past 9 years since 1993 and that have evolved substantially during that time period. Thus, it absolutely cannot be implied that anything the inventor or Assignee designated "ProGrid" after the inventor's present filing date is the same as anything that was designated "ProGrid" prior to the inventor's filing date. The Examiner's request for known publications, brochures and press releases describing ProGrid products is understood by the Applicant to request publications, brochures or press releases of any date relating to what was known as "ProGrid" prior to Applicant's filing date. The only such information, to Applicant's and Assignee's knowledge, is (1) certain sentences of the attached articles published by the inventor in 2001, and (2) the attached slides which were shown at the 1993 Canadian Chemical Engineering Conference.

The full text and drawings of the four articles published by the inventor in 2001 are attached hereto. As noted above, the articles are not prior art to the present patent application. With respect to the indication therein that a methodology designated "ProGrid" was developed by the present inventor in 1993, this has no bearing on prior art because it relates to development and not to any public use, publication, offer for sale or sale under any subsection of 35 U.S.C. § 102.

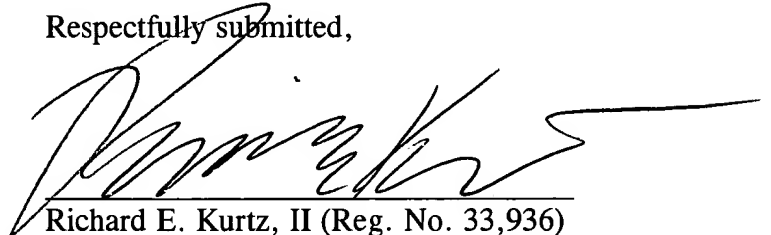
With respect to the indication in the attached articles that the initial stage of the "ProGrid approach" was described at the 1993 Canadian Chemical Engineering Conference, Applicant attaches hereto the set of slides which was displayed at the conference. The slides were accompanied by the Applicant's oral remarks. These slides and accompanying oral remarks are, at most, cumulative of the Blake reference ("The Managerial Grid") which was submitted in an information disclosure statement by the Applicant and has been distinguished by the Applicant.

Like Blake, the slides and remarks merely disclose charts which are intended to express the differences between different managerial styles or characteristics of an organization. They fail to teach or suggest the recited step of scoring performance criteria statements, fail to teach or suggest the recited step of summing a plurality of scores obtained by that scoring step, and fail to teach or suggest physically plotting a point on a chart at a location corresponding to first and second total scores. These are the same distinctions discussed in Applicant' s Reply filed October 2, 2001 with regard to the Blake reference.

CONCLUSION

Having fully complied with the Requirement for Information, it is submitted that claims 1-4 and 6-21 are in condition for allowance and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard E. Kurtz, II', with a long horizontal flourish extending to the right.

Richard E. Kurtz, II (Reg. No. 33,936)
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Filed: April 4, 2002